

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC.,  
MARKETING SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

Case No. [19-md-02913-WHO](#)

**TENTATIVE RULINGS FOR  
OCTOBER 31, 2025 HEARING**

*This Document Relates to:*

*Erin NesSmith et al. v. Juul Labs, Inc., et al.*, Case No. 3:19-cv-06344-WHO

*Bailey Legacki v. Juul Labs, Inc., et al.*, Case No. 3:20-cv-01927-WHO

*Cole Aragona v. Juul Labs, Inc., et al.*, Case No. 3:21-cv-01928-WHO

*Carson Sedgwick v. Juul Labs, Inc., et al.*, Case No. 3:20-cv-03882-WHO

*Jordan Dupree v. Juul Labs, Inc., et al.*, Case No. 3:20-cv-03850-WHO

*Matthew Tortorici v. Juul Labs, Inc., et al.*, Case No. 3:20-cv-03847-WHO

*Jennifer Lane et al. v. Juul Labs, Inc., et al.*, Case No. 3:20-cv-04661-WHO

I retained these opt-out cases to decide cross-cutting issues before remanding them to the transferor courts. At this point, I am not inclined to address adequacy of pleading arguments on a motion to dismiss. The adequacy of materially similar pleadings was tested repeatedly in the main MDL proceedings. Now those allegations can be tested on an evidentiary basis on remand.

1 Similarly, I am not inclined to rule on issues of state law, particularly where there are open  
2 questions or splits in authority from state court jurisdictions. The resolution of contested state law  
3 questions is better handled by courts in those states.

4 My tentative rulings are as follows:

5 Abandoned Claims: The motions are GRANTED as to the numerous claims abandoned by  
6 each opt-out plaintiff. Judgment will be entered on each abandoned claim in favor of the moving  
7 defendant.

8 Altria's Motions for Judgment on the Pleadings on the Intentional Infliction of Emotional  
9 Distress: DEFER to the courts on remand, but if reached, DENY.

10 JLI's Motions to Dismiss: DENY, as testing the adequacy of allegations is not efficient at  
11 this juncture. Whether the allegations survive at summary judgment on an evidentiary basis is a  
12 matter to be determined by the courts on remand.

13 JLI's Motions for Partial Summary Judgment on Economic Loss: GRANT in part, as the  
14 opt-out plaintiffs agree they released claims for economic loss through the Class Settlement  
15 approved in the MDL. DENY, as to dismissal of remaining claims in light of that release. The  
16 damages that are available to the opt-out plaintiffs on their remaining claims is better determined  
17 by courts on remand.


18 Director Defendants' Motions for Summary Judgment on Personal Jurisdiction: DEFER to  
19 courts on remand. While I found the allegations sufficient to exercise personal jurisdiction over  
20 the Director Defendants with respect to the Class claims and for claims asserted by the personal  
21 injury, government entity, and tribal bellwether plaintiffs, the application of each remand  
22 jurisdiction's long-arm statute *on an evidentiary basis* is better determined by the courts on  
23 remand.

24 Director Defendants' Motions for Judgment on the Pleadings on Strict Product Liability  
25 Claims (joined by Monsees & Bowen): GRANT, following my rulings as to the bellwether  
26 plaintiffs in the MDL. Unless the opt-out plaintiffs can identify support in the specific statutes at  
27 issue or cases from the relevant jurisdiction (cases not addressed in my prior rulings) that extend  
28 strict products liability to individual corporate directors or managers, I will follow my prior

determinations.

Each side will have thirty minutes to argue.

Dated: October 30, 2025

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

William H. Orrick  
United States District Judge